

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN STANLEY FOWLKES,

Petitioner,

Case No. 03-CV-71597

vs.

HON. GEORGE CARAM STEEH

DUNCAN MACLAREN,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Melvin Fowlkes, a Michigan prisoner appearing pro se, filed a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) of this court's January 8, 2004 order (Doc. 18) denying his 42 U.S.C. § 2254 habeas corpus petition. This court denied the motion, (Doc. 22) and the motion for reconsideration of that order. (Doc. 25). A habeas petitioner must obtain a certificate of appealability before his appeal of the denial of his Rule 60(b) motion can be heard. United States v. Hardin, 481 F.3d 924, 925 (6th Cir. 2007). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED.

IT IS SO ORDERED.

Dated: March 5, 2014

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 5, 2014, by electronic and/or ordinary mail and also on Melvin Fowlkes #291038, Kinross Correctional Facility, 16770 S. Watertower Drive, Kincheloe, MI 49788.

s/Marcia Beauchemin
Deputy Clerk